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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,734	10/29/2003	Eugene Joseph Pancheri	9399	7723

27752 7590 06/15/2007  
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CINCINNATI, OH 45224

EXAMINER
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LU, JIPING

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/697,734

Applicant(s)

PANCHERI ET AL.

Examiner

Jiping Lu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/8/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Status***

1. Claims 1-13 and 16-23 have been cancelled. Un-amended claims 14-15 are now in the case and remain rejected.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,980,583 to Staub et al. in view of US Patent 5,985,385 to Gottfried.

Staub et al. teach a fabric article treating device comprising source 60 of a benefit composition (col. 5, ln. 55-56), dispensing means 50 with temperature sensitive chemical component (col. 5, ln. 12-14), and an insulating means for thermal protection on source 60 (col. 7, ln. 29-30). Staub et al. do not teach the thermal protection means having first, second, and third layers as presently claimed. Gottfried teaches a thermal protection wrapping system comprising three layers 22, 32, 42, one of which 32 has low thermal conductivity and is sandwiched between two other layers 22, 42 (col. 4, ln. 25-30; col. 7, ln. 4-6). As Gottfried teaches that having his multi-layer system comprising one layer of low thermal conductivity leads to greater heat protection (col. 3, ln. 47-50 and abstract), it would have been obvious to one ordinary skill in the art to modify the thermal protector of Staub et al. with the multi-layer thermal protector 22, 32, 42 of Gottfried. Regarding the specific range of thermal conductivity

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claimed, Gottfried does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staub et al. (U. S. Patent 5,980,583) in view of Warburton et al. (U. S. Patent 3,828,119).

Staub et al. teach a fabric article treating device comprising source 60 of a benefit composition (col. 5, line 55-56), dispensing means 50 with temperature sensitive chemical component (col. 5, line 12-14), and an insulating means for thermal protection on source 60 (col. 7, line 29-30). Staub et al. do not teach the thermal protection means having first, second, and third layers as presently claimed. Patent to Warburton et al. teaches a thermal protection wrapping system comprising three layers 14, 18, 20, one of which 18 has low thermal conductivity and is sandwiched between two other layers 14, 20 (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute for the thermal protector of Staub et al. with the multi-layer thermal protector of Warburton et al. in order to improve the heat insulating. Regarding the specific range of thermal conductivity claimed, Warburton et al. does not teach the exact level of thermal conductivity of his low thermal conductivity layer. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill

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in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

### ***Response to Arguments***

5. Applicant's arguments filed 3/29/07 have been fully considered but they are not persuasive. First, broad claims fail to structurally define over the art. Broad claim 1 merely calls for a "three-layer thermal protection of said one or more temperature sensitive components" is located inside of the fabric article drying appliance which the middle layer (designated and claimed as 2<sup>nd</sup> layer) has a thermal conductivity from about 0 to about 5 W/m °C at 25 °C. It is noted there are no mathematical units provided with the claimed numerical range of "0 to about 5 W/m °C at 25 °C". Does the W stand for weight in terms of pound and m stands for time in terms of minutes? Broad claim 1 contains no structural interconnection between the dispensing means, benefit composition source, temperature sensitive components and three-layer thermal protection of the one or more temperature sensitive components. Broad claim 1 also fails to define what the benefit composition source, dispensing means, temperature sensitive components and three-layer thermal protection are. Therefore, the examiner has applied the prior art as stated in the rejection above. Second, it is noted that the applicant did not argue the claimed numerical range of "0 to about 5 W/m °C at 25 °C" in broad claim 1 and the insulating medium of claim 2. Therefore, this is deemed to be an admission of obviousness and no further comments are necessary in this final rejection. Third, on pages 3-4 of the Remark, the applicant argues that there is no teachings to combine the prior art references of patents to Staub and Gottfried. The examiner disagrees with the applicant in view of the broad claims presented. Staub et al teach a

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fabric article treating device comprising source of a benefit composition, dispensing means with temperature sensitive chemical component and an insulating means for thermal protection on source 60 identical to the broad claim 1 with the exception of three-layer insulator. As Gottfried teaches that having his multi-layer system 22, 32, 42 one of which 32 has low thermal conductivity and is sandwiched between two other layers 22, 42. This three-layer insulation system with one layer of low thermal conductivity leads to greater heat protection. Therefore, it is the examiner's position in view of the combined teachings of the references, it is the would have been obvious to one skilled in the art to modify the thermal protector of Staub et al. with the multi-layer thermal protector 22, 32, 42 of Gottfried in order to conserve heat and energy. This is a well known practice to save heat and energy by installing insulation around any devices.

Fourth, on pages 3-4 of the Remark, the applicant argues that there is no teachings to combine the prior art references of patents to Staub and Warburton. The examiner disagrees with the applicant in view of the broad claims presented. Again, the issue is whether or not it is obvious to use a three-layer insulator for protecting heat lost in a thermal device. Patent to Warburton et al. teaches a thermal protection wrapping system comprising three layers 14, 18, 20, one of which 18 has low thermal conductivity and is sandwiched between two other layers 14, 20 (Fig. 1). Therefore, in view of the combined teachings of the references, it would have been obvious to one skilled in the art to substitute for the thermal protector of Staub et al. with the multi-layer thermal protector of Warburton et al. in order to improve the heat insulating. This is a well known practice to anyone who wishes to save heat and energy by simply wrap around an insulator around a heated device for the purposes to save heat and energy. Finally, although the applicant did not argue the claimed numerical range, such a limitation would have been obvious to

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one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranged involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Regarding claim 15, the low thermal conductivity layer taught by Gottfried is a solid (col. 7, ln. 6-10).

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

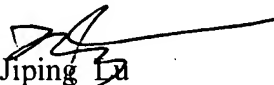
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jiping Lu  
Primary Examiner  
Art Unit 3749

J. L.